



# **WSPC FORMAL COMPLAINTS POLICY 2024**

Adopted: 20th May 2024

## **Formal Complaints Procedure**

For the benefit of good local administration, it is recommended that Councils adopt a standard and formal procedure for considering complaints either made by complainants direct or which have been referred back to the Council from other bodies. Such a procedure is needed to ensure that complainants can feel satisfied that their complaint or grievance has been properly and fully considered.

### **1. Introduction**

- 1.1 All formal complaints against the parish council, a parish councillor or officer must be communicated in writing. This can be letter or email or via a complaints form. The complainant must state at the outset if he/she wants the complaint to be treated confidentially. The Parish Council must comply with its obligations under the General Data Protection Regulations 2020 to safeguard against the unlawful disclosure of personal data.

### **2. Complaints Procedure**

- 2.1 Any complaint should be submitted in writing, to the Parish Manager at West Swindon Parish Council, Unit 25 Westmead Industrial Estate, Swindon, SN5 7YT or by email to: [clerk@westswindon-pc.gov.uk](mailto:clerk@westswindon-pc.gov.uk)
- 2.2 If a complaint concerns the Clerk or Parish Manager, the letter should be sent marked Confidential for the Attention of the Chair of the Parish Council, Chair – West Swindon Parish Council West Swindon Parish Council, Unit 25 Westmead Industrial Estate, Swindon, SN5 7YT or by email to the Chair as indicated on the Parish Council's web page.
- 2.3 Please ensure your that you include reference on your communication that this is a Formal Complaint whether by email or hard copy. It is important that the receiver is able to identify that this is a letter or email that should be handled as a formal complaint and is not a set of observations or questions.
- 2.4 Upon receipt of a written complaint, the Parish Manager (or Chair in the case of 2.2 above) will acknowledge receipt of the complaint within 7 days and will confirm to the complainant whether the matter will be treated as confidential, and confirm the next steps in the complaints procedure.
- 2.5 On receipt of a written complaint the Clerk or Chair, will investigate the facts and collate relevant evidence. A complaint against the Clerk or any of the Councillors will be notified to that person giving them an opportunity to comment. All written complaints will be reported to the next meeting of the Finance & Staffing Committee and then the Parish Council.

- 2.6 Where the Clerk or Chair receives a written complaint about their own actions, they will refer the complaint to the Parish Council.
- 2.7 Wherever possible complaints will be dealt with by communication in writing that is agreed between the Clerk/Parish Manager and the Chair.
- 2.8 If helpful, the complainant will be invited to a meeting with the Clerk/Parish Manager or the Chair to discuss their complaint in an attempt to settle the matter. The procedure for that meeting will be explained.
- 2.9 At the meeting the Clerk/Parish Manager will explain the council's position and questions may be asked by the complainant. Both parties will be given an opportunity to explain their respective positions.
- 2.10 The complainant will be advised when a decision about the complaint is likely to be made and when it is likely to be communicated to them.

### **3. Complaints Panel**

- 3.1 Depending on the complexity or sensitivity of a complaint being lodged with the Council, it may wish to establish a Panel to deal with such a complaint. This avoids the need for full Council having to assemble and also makes the process less daunting for a complainant if he or she chooses to attend a meeting in person. If a panel is formed, it should report its conclusions to the next Council meeting. Any Councillor can be called upon to act on such a Complaints Panel which will comprise the Chair or Vice Chair of the Council. No Councillor so nominated should be connected in any way with the matter which has led to the complaint.

#### *Before the Complaints Panel meeting:*

- 3.2 The Clerk/Parish Manager shall acknowledge receipt of the complaint and advise the complainant when the matter will be considered by the panel established for the purposes of hearing complaints.
- 3.3 The complainant shall be invited to attend the relevant meeting and to bring with him or her such representative as he or she wishes.
- 3.4 Seven clear calendar days prior to the meeting, the complainant shall provide the Panel with copies of any documentation or other evidence, which he or she wishes to refer to at the meeting. The Panel shall similarly provide the complainant with copies of any documentation upon which it wishes to rely on at the meeting.

#### *At the Complaints Panel Meeting*

- 3.5 The Complaints Panel shall consider whether the circumstances of the meeting warrant the exclusion of the public and the press.
- 3.6 The Chair will introduce everyone and explain the procedure to be followed.

- 3.7 The Complainant (or representative) will outline his or her grounds for complaint.
- 3.8 Councillors will ask any question of the complainant.
- 3.9 If relevant, the Clerk/Parish Manager will explain the Council's position.
- 3.10 Councillors will ask any question of the Clerk/Parish Manager.
- 3.11 The Clerk/Parish Manager, if appropriate, and the complainant, will be offered the opportunity of last word (in this order).
- 3.12. The Clerk/Parish Manager, if appropriate, and the complainant will be asked to leave the room while Members decide whether or not grounds for the complaint have been made. (If a point of clarification is necessary, both parties will be invited back).
- 3.13 The Clerk/Parish Manager and the complainant will return to hear the decision or formal recommendation to be made to the Council and to be advised when a decision will be made by the Council.

*After the Complaints Panel Meeting*

- 3.14 Once a decision has been taken by the Council, this should be confirmed in writing within seven calendar days together with details of any action to be taken.
- 3.15 The Council shall defer dealing with any written complaint only if it is of the opinion that issues arise on which advice is necessary from sources of legal advice. The complaint will be dealt with at the next meeting after the advice has been received.

**4. Swindon Borough Council Standards Committee**

- 4.1 In the event of a complaint about the behaviour of a Councillor, which involves an alleged breach of the Code of Conduct, complainants should be reminded that they may complain to the Standards committee of Swindon Borough Council.
- 4.2 The Standards Committee (England) Regulations 2008 direct that parish and town councils must be notified if a complaint about one of their members is being assessed by the Borough Council, and must be informed of subsequent significant steps taken in dealing with the complaint.
- 4.3 Swindon Borough Council's Director of Law and Legal Services will be informed that the Parish Council's Proper Officer is the person to whom all information

concerning a complaint made against one of its members should be directed, unless the Proper Officer is the person making the complaint.

- 4.3 The Parish Council will appoint two Councillors to be consulted on receipt of information about a complaint.
- 4.4 On receipt of information, the Proper Officer will consult the two members who are not involved in the complaint. The Proper Officer and the two members will consider what action, if any, needs to be taken, bearing in mind the need to keep the fact of the complaint, and its nature, confidential, until the district council standards committee has published its findings.

Such action may include

- Making arrangements for securing and providing evidence
  - Where the complainant is an employee of the Council, making appropriate arrangements between the employee and the subject member
  - Notifying members of the Council by confidential memorandum
  - Reporting to the Council or a committee if the nature of the information received necessitates a Council or committee decision. **If such a report is required:**
- 4.5 The Agenda for the meeting should not identify the subject and nature of the complaint. The item should be considered in confidential session. The minutes of the meeting should be written in such a way as to preserve confidentiality.

**For staff, matters relating to complaints about other staff or that are work/employment related should be handled through the grievance procedure**